

**Section 210**

**Congressional Accountability Act**

**Report on Inspections for Compliance with the  
Public Access Provisions in the Americans with Disabilities Act**

**Office of Compliance  
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### **Introduction**

The Congressional Accountability Act of 1995 (CAA) requires the General Counsel of the Office of Compliance to inspect facilities in the Legislative Branch at least once each Congress for compliance with the public services and accommodations provisions in Titles II and III of the Americans with Disabilities Act.(ADA) The results of this inspection are to be reported to the Speaker of the House, President pro tempore of the Senate, Office of the Architect of the Capitol, and any other entity responsible for correcting violations. Section 210(f); 2 U.S.C. § 1331(f).

The inspections for the 105<sup>th</sup> Congress were conducted between August 1997 and July 1998 and covered the public areas in the buildings and other facilities operated by the entities covered by Section 210.<sup>1</sup> These public areas encompass an estimated 8 million square feet of space. They include the offices of Members of the House of Representatives and Senators, committee hearing rooms, the Capitol Building, public restrooms, food service areas, and the paths of travel to all of these areas.

Only areas in these facilities to which constituents, individuals on official business, and other members of the public have access were inspected. Areas used exclusively by employees are not covered by the public access provisions of the ADA<sup>2</sup> and were therefore not included in the inspections.

In addition to inspecting Capitol Hill buildings and grounds, the General Counsel surveyed the district offices of Members of the House of Representatives and the state offices of Senators using questionnaires that addressed the typical physical and communication barriers to access that are likely to arise in these offices.

This report on the inspections conducted during the 105<sup>th</sup> Congress is the first report on a periodic inspection mandated by Section 210 (f) of the CAA. The public services and

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<sup>1</sup>The entities covered by the public access provisions in Section 210 of the CAA are the following: (1) each office of the Senate, including each office of a Senator and each committee;(2) each office of the House of Representatives, including each office of a Member of the House of Representatives and each committee; (3) each joint committee of the Congress; (4) the Capitol Guide Service; (5) the Capitol Police; (6) the Congressional Budget Office; (7) the Office of the Architect of the Capitol (including the Senate Restaurants and the Botanic Garden); (8) the Office of the Attending Physician; and (9) the Office of Compliance. Section 210(a). In addition to the inspections conducted between August 1997 and July 1998, there were additional visits to some facilities in November and December 1998 to view recent upgrades.

<sup>2</sup>Employees with disabilities are covered by another section of the CAA, Section 201. That section extends to employees the rights and protections of Title I of the ADA and the Rehabilitation Act of 1973. 2 USC §1331.

accommodation provisions in Section 210, requiring compliance with Titles II and III of the ADA, went into effect on January 1, 1997, near the start of the 105<sup>th</sup> Congress.

An initial advisory inspection was conducted during the 104<sup>th</sup> Congress as required by section 210(f)(3). This inspection was designed to assist the Office of the Architect of the Capitol and other entities in identifying violations of disability access provisions so that they could take corrective action. The General Counsel submitted a report on that initial inspection in June 1996.

## **I. WHAT THE PUBLIC ACCESS PROVISIONS OF THE ADA REQUIRE**

The public access provisions of the ADA prohibit discrimination on the basis of disability and require that people with disabilities be given the opportunity to participate in the programs and services that are offered to the public. To enable participation, standard practices must be modified if a reasonable way can be found to accommodate a person with disabilities that does not fundamentally alter the nature of what is being made available to members of the public.<sup>3</sup>

Both physical barriers and communication barriers can prevent participation by people with disabilities. For example, a lack of ramps to the entrance of a building poses a physical barrier that prevents a wheelchair user from getting to a Member's office or attending a committee hearing, while the unavailability of printed material in Braille or other alternate formats poses a communications barrier to a person who is blind or has low vision.

### **Removal of Structural Barriers to Access**

With respect to structural barriers, the goal of the ADA is that, over time, access will be the rule rather than the exception. To strike a balance between providing access to individuals with disabilities and legitimate cost concerns, the ADA establishes different standards for existing facilities and new construction. In existing facilities where retrofitting may prove costly, a less rigorous degree of physical accessibility is required than in the case of new construction and alterations where features that enable access can be incorporated more easily or economically into the initial design and construction.<sup>4</sup>

*Existing Facilities* In existing facilities, the ADA requires the removal of structural barriers to access when their removal is "readily achievable" - that is, easily accomplishable or able to be carried out without much difficulty or expense.<sup>5</sup> Examples of

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<sup>3</sup>28 CFR §35.130; 150 and 28 CFR § 36.201-208; 302

<sup>4</sup>29 CFR Part 36, Appendix B - Preamble to Regulations on Nondiscrimination on the Basis of Disability By Public Accommodations and in Commercial Facilities.

<sup>5</sup>28 CFR §§ 36.104 and 304.

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the types of measures that are likely to be readily achievable include measures such as making curb cuts and installing ramps so that wheelchair users can enter a building; rearranging tables, chairs and other furniture so that there is enough clearance for a wheelchair; adding raised marking on elevator control buttons so that people who are blind or have low vision can operate the controls; and installing flashing alarm lights so that individuals with hearing impairments are alerted to evacuate in a fire or other emergency.<sup>6</sup>

As these examples illustrate, the readily achievable standard does not require extensive renovation of existing buildings. Removing a barrier posed by a flight of steps would generally not be required, for example, if installation of an elevator or extensive ramping is needed. Ramping a single step, however, is likely to be readily achievable, and ramping several steps will in many instances also be readily achievable.

*Priorities for Barrier Removal* Because the resources available for barrier removal may not be adequate to remove all existing barriers at once, priorities have been established by the Federal Regulations for determining which type of barriers should be eliminated first - either completely or to the extent readily achievable.<sup>7</sup> These priorities are designed to maximize the degree of effective access that will result from any given level of expenditure and guide long-term planning.<sup>8</sup>

The highest priority has been placed on removing barriers to enable individuals with disabilities to physically enter a building on their own. Making it possible “to get through the door” from public sidewalks or drop off points is the most important first step in enabling individuals with disabilities to use the services and participate in the activities that take place in the building.

The next priority is the removal of barriers that prevent access to the major activities made available to the public. In the U.S. Capitol Building, for example, major activities available to the public include viewing legislative proceedings from galleries in the House and Senate Chambers and visiting areas such as the Rotunda and Statuary Hall, which are major attractions. In Congressional office buildings, major activities available to the public include attending committee hearings and visiting the offices of Senators and Members of the House of Representatives to express concerns to elected representatives.

The third priority is to provide access to restroom facilities. Measures that are readily achievable to remove barriers in these facilities might include, for example, widening toilet stalls, installing grab bars, and replacing door hardware that requires tight grasping and

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<sup>6</sup>Additional examples of barrier removal that is usually readily achievable are provided in 28 CFR § 36.304.

<sup>7</sup>§36.304(c).

<sup>8</sup>29 CFR Part 36, Appendix B - Preamble to Regulations on Nondiscrimination on the Basis of Disability By Public Accommodations and in Commercial Facilities.

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twisting or installing automatic door openers so that an individual with a mobility impairment can enter the restroom unassisted.

The final priority for barrier removal is to provide access to other services and facilities. In Congressional buildings, other facilities would include cafeterias, water fountains, and public telephones.

Consulting with individuals with disabilities or organizations representing them is encouraged as a way to save resources by identifying the most efficient means of providing the required access.

When barrier removal is not readily achievable, alternative means to provide access must be used to the extent that they are readily achievable. For example, if a Congressional district office is located on the second floor of a building that does not have an elevator, the office should take alternative measures to provide access - such as bringing the material that a constituent may request to ground level or meeting with the constituent in a library or coffee shop.<sup>9</sup>

*New Construction and Alterations* Standards for accessible design have been adopted for new construction and alterations by the Department of Justice. These standards, which appear at 28 CFR Part 36, Appendix A, were developed by the U.S. Architectural and Transportation Barriers Compliance Board.

Except in special circumstances, these design specifications for accessible features must be followed in new construction and alterations. For alterations, deviations from ADA standards are permitted only when the nature of an existing facility makes it virtually impossible to comply fully with the standards. In these circumstances, the alteration must provide the maximum physical accessibility feasible. 28 CFR §36.402(c). For new construction, full compliance with access standards is required except in rare circumstances where unique characteristics of the terrain make it structurally impracticable. 28 CFR §36.401(c).

For example, the United States Botanic Garden Conservatory, a facility covered by section 210 of the CAA, is currently undergoing a major renovation. When reopened in 2000, that facility should be fully compliant with ADA standards. Recently, the cafeteria in the Longworth House Office Building was renovated and converted into a food court. The Office of Compliance's inspection of the new food court in June 1998, shortly after this facility opened, showed that it was fully compliant with ADA standards.

### **Access to Public Programs, Services, and Activities**

The ADA requires that each program or service provided by a public entity, when viewed

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<sup>9</sup> The ADA does not require that only accessible space be leased, a requirement that could be particularly burdensome in rural or sparsely populated areas. However, district and home offices should try to locate accessible space available when possible.

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in its entirety, be readily accessible and usable by individuals with disabilities.<sup>10</sup> Every existing facility where programs and services are offered to the public does not have to be made accessible. However, all programs and services must be made accessible, at alternative sites or through alternative means when necessary, except where to do so would result in a fundamental alteration in the nature of the program or in undue financial and administrative burdens. In choosing among ways to make its programs accessible, priority consideration should be given to providing services in a setting that does not segregate people with disabilities from other people.

For example, if a Member of the House of Representatives is offering an educational program on Medicare benefits to constituents in a town in his or her district, and the only facility available that will accommodate the number of anticipated attendees is not accessible to wheelchair users, then steps must be taken to make the program available to these individuals at alternative sites or through alternative means. Such measures might include holding an additional session at a smaller accessible location, for both wheelchair users and individuals who could not attend the initial session in the interest of offering the program in an integrated setting, or if that is not feasible, making an audio or video tape of the program available.

### **Effective Communication**

The ADA requires that aids to communication, called auxiliary aids, be furnished to persons with disabilities when necessary for effective communication. For individuals with hearing impairments, auxiliary aids and services include written materials, assistive listening devices, qualified interpreters, and open or closed captioning. For individuals with visual impairments, auxiliary aids include audio recordings, Brailled materials, and large print materials. Such aids must be provided if they can be furnished without undue financial or administrative burden and do not significantly alter the nature of the program.

The availability of auxiliary aids should be made known by notices in newsletters or other publications. It is not necessary, however, to prepare a document in an alternate format unless a specific request is received. Charges may not be imposed for providing auxiliary aids.<sup>11</sup>

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<sup>10</sup> The public entities to which the program access requirements in Title II of the ADA apply are primarily state and local governments. For the purpose of applying Title II of the ADA, the Congressional Accountability Act defines “public entity” as any Legislative branch entity covered by section 210(a) that provides public services, programs, or activities. Section 210 (b)(2).

<sup>11</sup>The ADA does not require the provision of personal devices, such as wheelchairs; individually prescribed devices, such as hearing aids; or services of a personal nature including assistance in eating, toileting, or dressing. 28 CFR §36.306.

## **II. CONSULTATION WITH DISABILITY RIGHT GROUPS**

Before the inspections were initiated, the Office of the General Counsel met with and solicited comments from disability rights groups about the difficulties that people with disabilities experience when they come to Capitol Hill or seek access to information produced by the legislative branch. These comments greatly assisted us in identifying the major access issues to focus on during the inspections and were relied on in developing our recommendations.

The following groups either participated in meetings or provided written comments: United Cerebral Palsy Association, American Council of the Blind, Paralyzed Veterans of America, Senate Employees with Disabilities, the National Association of Protection and Advocacy Systems, Brain Injury Association, and National Organization on Disability.

### **III. THE STATE OF PHYSICAL ACCESS**

The inspections conducted during the 105<sup>th</sup> Congress showed that, overall, significant progress is being made in improving access to Congressional buildings and other facilities in the legislative branch covered by section 210.

The reports on individual buildings, which appear in Appendix A, attempt to assess the state of access for each of the major Congressional buildings and to identify the major structural barriers to access that remain to be addressed.

The priorities for barrier removal established under the ADA were used in making this assessment. For each building, efforts have been made to determine whether an individual in a wheelchair or with other mobility impairment can (1) freely enter the building; (2) travel from the entrance to areas where major programs and activities such as committee hearings and other public meetings are held; (3) use the restrooms; and (4) use other public facilities such as dining facilities, public telephones, and water fountains.

Building features that make a building accessible to people who are blind or have low vision or have hearing impairments are also addressed in the individual building reports. For people with visual impairments, accessible building features include signs with Braille and tactile lettering, audible signals on elevators, and the elimination of protruding objects that can injure a blind person because they are located where they can not be detected with a cane. For individuals with hearing impairments, accessible building features include visual alarms to warn of the need to evacuate for building emergencies, the availability of assistive listening systems, and public TTY phones.

**Entrances** Our survey showed that all major Congressional buildings now have at least one accessible entrance, making it possible for wheelchair users to “get in the door”, the highest priority for barrier removal under the ADA. While there are features that reduce the degree of access at a couple of the entrances which should be remedied (these problems are noted on the individual building reports), all the entrances are functional and usable by individuals with disabilities. In fact, from the standpoint of function and design, some of the entrances that have been renovated recently are extremely good examples of how access to building entrances can be achieved without detracting from the architecture of historic buildings.

Another significant improvement since the inspections conducted during the 104<sup>th</sup> Congress is the installation of signs that clearly designate accessible entrances and indicate the location of the accessible entrances at building entrances that are not accessible. According to wheelchair users, the absence of these signs had been a major impediment since they sometimes required that people with mobility impairments travel around very large buildings in search of an accessible entrance.

Due to the installation of an estimated 400 curb ramps throughout the complex, most paths of travel through the Capitol grounds can now be traveled by wheelchair. There are, however, some areas where additional curb ramps are needed. The Office of the Architect

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of the Capitol (AoC) expects to request \$200,000 in FY 2000 for the construction of additional ramps and repair and replacement of older ramps.

**Hallways and Major Activity Areas** Generally, there are no major obstructions in the hallways from building entrances to hearing rooms and Members' offices, where major activities are conducted. A number of ramps have been installed in the Capitol Building to provide access and the hallways in Congressional office buildings are generally free of obstructions that would prevent someone in a wheelchair from getting to the areas where committee hearing rooms and Members' offices are located.

However, large, heavy doors, some of which are historic, do pose impediments to access to many hearing rooms. Many of these doors have hardware that requires tight grasping and twisting and have a single leaf that has less than the 32" of clearance needed for wheelchair access. Consequently, when hearings are held, the doors should either be propped open or someone should be available to open the doors.

Many conventional tables are not high enough to permit people in wheelchairs to sit at the table. As the reports on the individual buildings reflect, many witness tables in hearing rooms and conference tables throughout the complex have been modified or raised on blocks to provide the 27" of clearance needed. When a witness table will not provide adequate clearance for a witness in a wheelchair, arrangements should be made in advance for a temporary table. House ADA Services provides such tables on request.

An impediment to access to the offices of some Members of the House of Representatives, brought to our attention by wheelchair users, are mailboxes in the office doorways which reduce clearance to less than 32", thereby obstructing wheelchair access. Also, signs with Braille and tactile lettering near some of the doorways to offices in both House and Senate Office Buildings are blocked by flags. We found these problems fairly prevalent when we inspected, although most offices were free of these impediments. After Office of Compliance inspectors visited the offices of Members of Congress and committee hearing rooms and offices, they prepared reports, describing the access problems identified, that were sent to that office. A sample of one of these reports on office space appears in Appendix D.

**Elevators** Most of the elevators throughout the Capitol complex are large enough and have doorways that are wide enough to accommodate a wheelchair. There are, however, a significant number of elevators, primarily those of unique design in the Capitol Building, that are too small and cannot be widened feasibly.

The principal access problems in elevators that can be remedied are the location of call buttons and control panels, which are often not low enough to be within the reach of wheelchair users, the lack of Braille and tactile lettering at control buttons, and the lack of proper audible signals for individuals who are blind or have low vision. These problems are being addressed as elevators are modernized. The recently modernized elevators in the Longworth House Office Building, for example, are fully ADA compliant. AoC has scheduled dozens of additional elevators for modernization in the Capitol and House and Senate Office Buildings over the next few years.

#### **IV. RECOMMENDATIONS: HIGHEST PRIORITY PHYSICAL ACCESS PROBLEMS**

Based on our inspection of facilities during the 105<sup>th</sup> Congress and consultation with disability rights groups, the projects to improve access that should receive the highest priority at this time are the following:

##### **Signage Improvements**

Lack of adequate signage to direct persons with disabilities to accessible building features and paths of travel is often cited as the most significant problem by people with disabilities who come to Capitol Hill buildings on business or as visitors. Recently, there have been some improvements. Accessible building entrances are now all clearly marked and signs at inaccessible entrances indicate where the accessible entrance is located. Within buildings, however, signs for accessible building features such as restrooms and phones are frequently missing and sometimes misleading. In some cases, for example, the restrooms designated as accessible on building floor maps can not be used by most people in wheelchairs. These deficiencies in signs are compensated for to some extent by the assistance provided by the Capitol Police, who several disability groups have said are very helpful. Nevertheless, inadequate signage causes significant problems. The specific deficiencies in signage are noted in the reports on individual buildings that appear in Appendix A.

AoC anticipates that these deficiencies in signage will be remedied soon as a result of a major project that has been initiated to improve signage throughout the Capitol complex. This project will involve the complete redesign of signs both inside and outside of buildings and will include improved signage for accessible features. A contract for the first phase of this project was signed in September, 1998. The fabrication and installation of new signs is expected to begin in late 1999 and be completed in 2000. Most of the funds for this \$2 million project have been appropriated. The balance of the funds needed to complete the project will be requested in FY 2000.

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Continued funding of this project or other measures that facilitate locating accessible features and paths of travel are probably among the most cost-effective steps that can now be taken to improve access. Moreover, the benefit of many other measures to improve access, such as restroom renovations, is greatly reduced if these accessible facilities can only be found with great difficulty.

Some of the features that should be incorporated in improved signage include the following:

Elevators: Maps in buildings should indicate which elevators are usable. In additions, elevators that are usable should be designated with the accessibility symbol near the elevator itself; those that are not usable should have a sign indicating the location of the closest accessible elevator.

Bathrooms: In addition to noting the location of accessible bathrooms on floor maps, there should be an accessibility symbol near the restroom itself. If a restroom does not have an accessible stall, a sign at that restroom should indicate the location of the nearest restroom with an accessible stall. If there is no accessible restroom on a floor, the floor map should indicate the location of the nearest accessible restroom.

Phones: In addition to noting the location of wheelchair accessible pay phones and TTY pay phones on building maps and near the phones themselves, the location of the nearest accessible phone should be noted at banks of phones that do not have these accessible features.

Paths of Travel: On maps inside buildings, it would be helpful if the accessible routes connecting buildings (i.e. routes which do not have steps, narrow elevators, narrow passageways, etc.) were noted with a line, or some other designation. In tunnels, the path of travel from accessible elevator to accessible elevator should be clearly designated.

### **Visual Alarms**

There are very few visual alarms throughout the Capitol Hill buildings to alert persons who are hearing impaired about the need to evacuate in the event of a building emergency. Such alarms are particularly important in isolated locations, such as restrooms, where individuals with hearing impairments may not be alerted by seeing the movement of others to exits. As this is a life safety issue, it deserves a high priority.

AoC plans to install visual alarms as it upgrades fire alarm and other fire protection systems throughout the complex over the next few years. Gage-Babcock, a firm that specializes in fire protection and life safety systems, is now surveying Capitol Hill buildings in preparation for the design and installation of improved systems that will include visual alarms. The cost of visual alarms and other ADA-related components of the fire alarm upgrade project is projected to be \$1.9 million for the Capitol and House and Senate office buildings. The alarm upgrades are expected to be completed in 2002.

### **Restrooms**

Many of the restrooms designated as accessible in Capitol Hill buildings have significant problems that make it difficult or impossible for individuals in wheelchairs to use them. These problems are described on the individual building reports.

Restrooms in the Capitol Building should have the highest priority for remedial work. At the time of the inspection, all five of the public restrooms (3 for men; 2 for women) designated as accessible had significant problems that would make it difficult for an individual in a wheelchair to use these facilities. As the Capitol Building is among the most heavily visited monuments in the country, renovation of these facilities should proceed as soon as possible.

AoC reports that designs have been completed that will make four public toilet rooms on the first floor of the Capitol Building fully ADA compliant. Two on the House side are expected to be completed by March, 1999; two on the Senate side are expected to be completed by June 1999.

There are also significant problems with all four sets of restrooms designated as accessible in the Dirksen Building and eight sets of restrooms designated as accessible in the Hart Building.

The Dirksen restrooms will be renovated to ADA specifications in connection with a major renovation of the building which commenced recently. Work on the central plumbing stack, containing 12 toilet rooms has begun, and is expected to be completed by mid-1999. Designs that incorporate accessible features have been completed for four toilet rooms adjacent to the cafeteria and two adjacent to the auditorium. The remaining 24 toilet rooms in the building, located in the north and south plumbing stacks, are to be renovated to ADA specifications over the next couple of years as the building-wide renovation proceeds.

Restrooms in the Hart Building are also scheduled to be improved. A plumbing stack containing eight sets of restrooms now designated as accessible will be renovated. The architectural design work has been completed and the funds required for this project have been appropriated.

The number of accessible stalls in the Rayburn Building is quite limited, particularly in view of the fact that the Rayburn, with 2 million square feet, is the largest Congressional

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office building. There are only five sets of restrooms with wheelchair accessible stalls in the Rayburn and the stalls in two of these sets have only one grab bar. This problem, which make these stalls difficult to use, can easily be remedied with the installation of an additional grab bar of the proper length and should have a high priority, particularly in view of the limited number of accessible stalls in the building.

Currently, there are no plans to install additional wheelchair accessible stalls in other restrooms in the Rayburn. For existing buildings, the ADA does not prescribe how many restrooms should have accessible stalls. However, in view of the large size of this building, consideration should be given to installing additional accessible stalls.

A number of restrooms in both the Longworth and Russell have been upgraded recently. The major features in these facilities are fully ADA compliant.

## **V. COMMUNICATION ACCESS**

The ADA requires that the governmental entities and private businesses and organizations covered by the law strive to ensure that communication with members of the public with disabilities is as effective as communications with others. Auxiliary aids and services must be furnished when they are needed to afford an individual with disabilities the opportunity to participate in public activities unless they fundamentally alter the public activity or require an undue administrative or financial burden.

Congress and other organizations in the legislative branch covered by section 210 of the CAA have taken a number of steps to fulfill their obligation to communicate effectively with people with disabilities. The following is a brief summary of some of the services available, with some recommendations for improving communication access.

**Captioning of House and Senate Proceedings.** Proceedings in both the House and the Senate are closed captioned for individuals with hearing impairments. The broadcast of House proceedings on C-Span I reaches an estimated 70 million viewers and the broadcast of Senate proceedings on C-Span II reaches an estimated 50 million viewers.

The captioning of these proceedings is an important advance in effectively communicating the work of the Congress to individuals with hearing impairments.

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The Senate Captioning Office does the captioning of Senate proceedings and also maintains closed circuit TV with real time captioning in Gallery No. 6 to enable visitors with hearing impairments to follow Senate floor proceedings. The House provides captioning through a contract with the National Captioning Institute, a private company.

**Legislative Information on the Internet** A large amount of legislative information is now available on the Internet. The Library of Congress's Thomas site (<http://www.loc.gov>), for example, has the text of bills and information about their status; copies of the Congressional Record; committee schedules, reports, and selected hearing transcripts; House and Senate Roll Call Votes; and links to other sites with legislative information. Most Senators and Members of the House of Representative also maintain web sites as a means of communicating with their constituents.

Persons with disabilities are often avid users of the Internet and other electronic information services. In addition to making legislative information readily available to individuals with hearing or mobility impairments, the Internet also serves people who are blind. Text on the Internet can be read aloud by a computer equipped with a speech synthesizer and text-to-speech software or can be converted to a Braille format.

The usability of the web site for a person who is blind depends on its design. For example, if image maps are used on a Member's web site, there should be an alternate method of selecting options so the text-to-speech software can process the information. Unless this is done, it will be difficult or impossible for a blind user to get access to information on the site. House Information Resources is available to assist House offices in making their web sites accessible.

**Visitor Information on the Internet** Visitor information on web sites maintained by the House, Senate, and Architect of the Capitol all include information for visitors with disabilities who plan to visit Capitol Hill. The Senate site describes the tours, auxiliary aids and other services that are available through the Congressional Special Services Office to visitors with disabilities. The House and Architect of the Capitol sites provide the phone number of Congressional Special Services to arrange for tours and services. In addition, the Architect of the Capitol's site contains a map of Capitol Hill, which shows the location of accessible entrances to the Capitol and House and Senate office buildings. A "virtual tour" of the Capitol Building is available for those who are unable physically to visit the building.

**Tours and Other Services for Visitors** The Congressional Special Services Office (CSSO) is a joint office under the jurisdiction of the Capitol Guide Board, composed of the Senate and House Sergeant at Arms and Architect of the Capitol. It provides a variety of services to visitors with disabilities. The office provides tours adapted to the needs of the individual, including tours specifically designed for people who have visual or hearing impairments, who use wheelchairs or canes, or who have developmental disabilities. CSSO also provides wheelchairs, available for use in the Capitol Building.

CSSO has also developed brochures for visitors with disabilities. Their brochure on the Capitol Building provides historical information on the Capitol and a map of the Capitol

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Building that shows the location of facilities accessible to visitors with disabilities, such as elevators, restrooms, water fountains, telephones, and ramps. Another brochure, called “Washington Highlights: Tour Information for Visitors with Disabilities” provides information on parking, accessible Washington area tourist sites, TTY phone numbers, and assistive services. Both brochures are available in large print and Braille, as well as ASCII disc and audio tape upon request. CSSO also plans to include some of the information in these brochures on the portion of the Senate Web site that describes CSSO services to make it easily available to people planning visits.

CSSO also maintains Tactile Braille Exhibits of the Mall and Monument areas of Washington. This exhibit is helpful in orienting visitors who are blind or have low vision. This exhibit is displayed in the Crypt of the Capitol.

**Providing Information in Alternate Formats** House Members and Committees can obtain information about providing materials in alternate format by contacting the House Office of ADA Services. 202/225-3005(V) or 202/225-3006(TTY). The Senate Service Department of the Senate Sergeant at Arms provides a variety of Braille and large print services and can assist Senators’ offices in preparing responses to correspondence from individuals who are blind or have low vision.

Individuals seeking copies of documents such as draft legislation in alternate formats, such as computer disks or large print formats, can obtain them by contacting the relevant committee. Both House and Senate Committees will provide these items upon request.

**Interpreters** CSSO provides sign language interpreting services to Congressional Offices, upon request, for Congressional business such as meetings with constituents, press conferences and other special events. These services are available only on Capitol Hill. If an interpreter is needed elsewhere, Congressional Special Services or House ADA Services can assist an office in locating a commercial vendor, including local vendors in home and state district offices throughout the country. Interpretation for an official function in the home state can be paid for with official funds.

CSSO does not provide interpreters for committee or subcommittee hearings unless requested by a Member of Congress for the sole purpose of enabling a specific witness to communicate with the committee or subcommittee. Committees can contract with commercial vendors for individuals attending hearings, and pay for this service with official funds.

There are many situations where an interpreter may not be necessary. For example, during simple, brief conversations, a notepad and written material may be sufficient to permit effective communication. However, a qualified interpreter may be necessary when the information being communicated is complex or is exchanged for a lengthy period of time.

**Assistive Listening Devices** Both Congressional Special Services and House ADA Services can provide assistive listening devices for use by individuals with hearing impairments. These systems can be used by individuals taking Congressional Special Services guided tours or by individuals meeting with Congressional offices or committees.

## ***Major Findings***

Both Congressional Special Services and House ADA Services can deliver a system to an office or committee and demonstrate its use.

All Senate committee hearing rooms in Dirksen have been equipped with induction loops which amplify and clarify sound for individuals with hearing impairments. Several House committees have also been equipped with induction loops. Both House ADA Services and Congressional Special Services can provide portable systems for use by other committees.

**Telecommunication Services** All Senate Offices in Washington have text telephones - frequently referred to as TTY's or TDD's - which are used to communicate with individuals who are hearing impaired or cannot speak. House Offices have access to a TTY message system. (202/225-1904) (TTY). Offices also have access to telephone relay services, which link people using a voice telephone and people using a text telephone by routing calls through a communications operator who has both sets of equipment and acts as an intermediary between callers. Member of the public who do not communicate by voice may use the General Services Administration's toll-free Federal Information Relay System to reach Congressional office by telephone. 800/877-8339 (Voice and TTY) Callers may also use their state relay service (every state is required to have one).

*[Appendix A is not included in the web version of this report.]*

## **HOW THE INSPECTIONS WERE CONDUCTED**

**Applicable Standards** Section 210 of the CAA applies all of the public service provisions of Title II of the ADA to the entities listed in section 210 that provide “public services, programs, or activities.” Section 210 also applies portions of the public accommodations provisions of title III of the ADA to the these entities to the extent that they operate a “place of public accommodation” as set forth in 42 U.S.C. § 12182(7).<sup>12</sup>

The CAA directs the Board of Directors of the Office of Compliance to issue regulations to implement Section 210 that are the same as the substantive regulations promulgated by the Attorney General and the Secretary of Transportation to implement Titles II and III of the Americans with Disabilities Act. The Board can modify those standards only to make rights and protections for persons with disabilities more effective under the CAA. §210(e)(2). On January 7, 1997, the Board adopted disability access regulations and transmitted them to Congress for approval, as required by the statute, but those regulations have not yet been approved.

Until the Board’s regulations are issued, the CAA directs that the “most relevant substantive executive agency regulation” be applied. §411. For the disability access provisions, the most relevant substantive regulations are the ADA regulations set forth in Title 28 of the Code of Federal Regulations, (CFR) Parts 35 and 36. Accordingly, these standards were applied in conducting the inspections.

The ADA standards applied in conducting the inspections are identical to regulations adopted by the Board that are awaiting Congressional approval. Consequently, the inspection findings would be the same under either set of standards.

**Inspection schedule and Procedures** The inspection schedule was developed in cooperation with the Architect of the Capitol, who has superintendence over most of the facilities inspected, and other offices that provide public services, programs, and activities. Copies of a tentative schedule were sent to the Leadership, Committee on House

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<sup>1</sup> To be considered a “place of public accommodation” the covered entity must operate a facility that falls within one of the following 12 categories: (1) places of lodging; (2) establishments serving food or drink; (3) places of exhibition or entertainment; (4) places of public gathering; (5) sales or rental establishments; (6) service establishments; (7) public transportation terminals; (8) places of public display or collection; (9) places of recreation; (10) places of education; (11) social service center establishments; and (12) places of exercise or recreation. With regard to the entities listed in section 210(a), they are also covered under the provisions of title III of the ADA with the possible exception of the Capitol Police.

## *Appendix B - The Inspections*

Oversight, Chief Administrative Office of the House, Senate Rules Committee, the Clerk of the House of Representatives, the Senate and House Sergeants at Arms, and the Secretary of the Senate. In addition, individual offices were notified about a month prior to the inspection date.

Most of the inspections were conducted from August 1997 through July 1998. A schedule which shows the dates facilities were inspected appears at the end of this appendix. Additional visits to some sites were made in November and December 1998 to view recent upgrades and improvements.

When the inspectors arrived at a particular office, hearing room, or other area inspected, they would typically record observations, take measurements, and ask employees questions pertaining to public access to the facility. AoC, the Chief Administrative Officer, and the Senate Sergeant at Arms designated representatives to accompany the inspectors. The inspectors discussed access issues noted with these representatives and offered solutions on how to solve problems.

### **Personnel and Advisors**

Mary Masulla, Senior Attorney with the Office of the General Counsel, had overall responsibility for the inspections and for drafting the Final Report. Dan Chasek, an attorney with the Office of Compliance, also provided major assistance.

In addition, Ellen Harland and Earlene Sesker participated in the inspections, provided extensive technical assistance, and were essential to this undertaking.

Ellen Harland, a registered architect, is with the Disability Rights Section of the Civil Rights Division of the Department of Justice, where her responsibilities have included advising on the certification of state and local accessibility codes. Prior to this position, she was with the Access Board where she worked on the development of the ADAAG standards. Ms. Harland, who has over forty years of experience in architecture, is a graduate of MIT and has also practiced architecture in Colorado and New Mexico.

Earlene Sesker is with the U.S. Architectural and Transportation Barriers Compliance Board where she provides technical advice to governmental entities and private organizations on access standards and is involved in developing access guidelines for recreational facilities and revisions of the ADAAG standards. Prior to her current position, Ms. Sesker, a graduate of the University of Texas, worked in the Access Board's Office of Compliance, where she investigated and resolved cases involving possible violations of Architectural Barriers Act.

In addition, we met with John Wodatch, Chief of the Justice Department's Disability Rights Section, and members of his staff for advice on legal requirements and with David Capozzi, Director of the Access Board's Office of Technical Information, and other Access Board staff for advice on technical issues. We very much appreciate their time and assistance. We are also grateful to Lawrence Roffee, Executive Director of the Access Board, for allowing Ms. Sesker to assist us and to Mr. Wodatch and the Civil Rights Division of the Department of Justice for allowing Ms. Harland to assist us.